

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : BERNINGER  
Serial No. : 10/736,031  
Confirm. No. : 4162  
Filed : December 15, 2003  
For : METHOD AND DEVICE...  
Art Unit : 3726  
Examiner : OMGBA, Essama  
Dated : January 18, 2007

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION UNDER 37 CFR 1.136 (a)**

Sir:

The Office Action dated October 5, 2006 provided for a shortened statutory period for response of three months.

The shortened statutory period expired January 5, 2007.

Since the attached response is being filed within the first month pursuant to 37 CFR 1.136(a) Applicant respectfully requests the Examiner to charge the appropriate petition fee of \$120.00 (fee code 1251).

Respectfully submitted  
for Applicant(s),



By: \_\_\_\_\_  
John James McGlew  
Reg. No.: 31,903  
For: McGLEW AND TUTTLE, P.C.

JJM:tf

DATED: January 18, 2007  
SCARBOROUGH STATION  
SCARBOROUGH, NEW YORK 10510-9227  
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND  
TRADEMARK OFFICE IS HEREBY REQUESTED TO CHARGE SUCH FEE TO  
OUR DEPOSIT ACCOUNT 13-0410.